

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Garnet Thomas,	)	
	)	C/A No. 6:15-3251-MBS
Plaintiff,	)	
	)	
vs.	)	
	)	<b>ORDER</b>
Carolyn W. Colvin, Acting Commissioner	)	
of Social Security,	)	
	)	
Defendant.	)	
_____	)	

Plaintiff Garnet Thomas filed the within action on August 15, 2015, seeking judicial review of a final decision of Defendant Commissioner of Social Security denying Plaintiff's claims for disability insurance benefits and supplemental security income benefits.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Kevin F. McDonald for pretrial handling. On August 24, 2016, the Magistrate Judge issued a Report and Recommendation in which he determined that the administrative law judge (ALJ) failed to investigate Plaintiff's inability to pursue certain treatment because of his financial situation. Accordingly, the Magistrate Judge recommended that the case be remanded for the ALJ to consider and make factual findings regarding Plaintiff's financial situation and its impact on Plaintiff's ability to seek medical treatment. The Magistrate Judge further recommended that, on remand, the ALJ address Plaintiff's additional argument that she failed to properly evaluate and weigh the treating physician's October 2012, January 2013, April 2013, and October 2013 opinions. Plaintiff filed no objections to the Report and Recommendation. On September 12, 2016, the Commissioner filed a Notice of Not Filing Objections to the Report and Recommendation of the Magistrate Judge.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. The case is **reversed** pursuant to sentence four of 42 U.S.C. § 405(g) and **remanded** to the Commissioner for further consideration as set forth herein and in the Report and Recommendation.

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour  
Senior United States District Judge

Columbia, South Carolina

September 19, 2016